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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 26th March, 2022

No.1795 /L.A.— The following Bill, which has been introduced in the Odisha Legislative Assembly on the 26th March, 2022 is here with published under rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

THE ODISHA MUNICIPAL LAWS (AMENDMENT) BILL, 2022

A

BILL

**FURTHER TO AMEND THE ODISHA MUNICIPAL CORPORATION ACT, 2003 AND THE
ODISHA MUNICIPL ACT, 1950.**

BE it enacted by the Legislature of the State of Odisha in the Seventy-third year of the Republic of India, as follows :—

CHAPTER – I

Preliminary

Short title and
commencement.

1. (1) This Act may be called the Odisha Municipal Laws (Amendment) Act, 2022.
- (2) It shall be deemed to have come into force on the 30th December, 2021.

CHAPTER – II

Amendment to the Odisha Municipal Corporation Act, 2003.

Amendment of
Section 2.

2. In the Odisha Municipal Corporation Act, 2003 (hereinafter referred to as the Corporation Act), in Section 2, clause (5) shall be omitted.

Odisha Act 11
of 2003.

Amendment of
Section 7.

3. In the Corporation Act, in Section 7,—

- (a) sub-sections “(3) and (4)” shall be omitted ;
- (b) in sub-section (5), the words “and the backward class of citizens” shall be omitted;
- (c) for sub-section (6), the following sub-section shall be substituted, namely:—
 - “(6) The procedure regarding reservation of seats for the purposes of sub-sections (1), (2) and (5) and allotment of seats by rotation to different wards at every general election, in such manner as may be prescribed”;
- (d) in sub-section (7), the words “or the backward class of citizens” and the words “or backward class” shall, respectively, be omitted.

Amendment of
Section 14.

4. In the Corporation Act, in Section 14,—

- (a) in sub-section (3),—
 - (i) in clause (c), for the words and comma “,the Scheduled Tribes and the backward class of citizens”, the words “and the Scheduled Tribes” shall be substituted;
 - (ii) the clauses (d) and (e) shall be omitted;
- (b) in sub-section (4), in the proviso thereto, for the comma and words “Scheduled Tribes and backward class of citizens” , the words “and Scheduled Tribes” shall be substituted; and
- (c) in the sub-section (5), “and the backward class of citizens” shall be omitted.

Amendment of
Section 60.

5. In the Corporation Act, in Section 60, in sub-section (1), in clause (b), for the comma and words “,women and other backward class of citizens”, the words “and women” shall be substituted.

CHAPTER-III

Amendment to the Odisha Municipal Act, 1950.

Amendment
Section 11.

6. In the Odisha Municipal Act, 1950 (hereinafter referred to as the Municipal Act) in Section 11,—

Odisha Act 23
of 1950.

(a) for the marginal heading , the following marginal heading shall be substituted, namely:—

“Reservation of seats for Scheduled Caste, Scheduled Tribes and women”;

(b) sub-sections (3) and (3-A) shall be omitted;

(c) in sub-section (4), for the words “the Scheduled Tribes and the backward class of citizens”, the words “and the Scheduled Tribes” shall be substituted;

(d) in sub-section (5), the words and comma “or the backward class of citizens,” shall be omitted; and

(e) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) The procedure regarding reservation of seats for the purpose of sub-sections (1), (2) and (4).”.

Amendment of
Section 47.

7. In the Municipal Act, in Section 47,—

(a) in sub-section (3) ,—

(i) in clause (c), for the comma and words “,the Scheduled Tribes and the backward class of citizens”, the words “and the Scheduled Tribes” shall be substituted;

(ii) the clauses (d) and (e) shall be omitted;

(b) in sub-section (4), in the proviso thereto, for the comma and words “, backward class of citizens” shall be omitted; and

(c) in sub-section (5), the words “ and backward class of citizens” shall be omitted.

Repeal and
Savings.

8. (1) The Odisha Municipal Laws (Amendment) Ordinance, 2021 is hereby repealed.

Odisha
Ordinance No. 3
of 2021

(2) Notwithstanding such repeal, anything done or any action taken under the Odisha Municipal Corporation Act, 2003 and the Odisha Municipal Act, 1950 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of those Acts as amended by this Act.

Odisha Act
11 of 2003

Odisha Act
23 of 1950

STATEMENT OF OBJECTS AND REASONS

Article 243T (3) of the Constitution of India provides that seats shall be reserved for the Scheduled castes and Scheduled tribes in every Municipality. But the Constitution left it to the wisdom of State Legislature to decide the manner of reservations of seats or offices of Chairpersons in the municipalities in favour of Backward class of citizen.

In accordance with the above prescription of Constitution, some provisions were there in the Odisha Municipal Act, 1950 and Odisha Municipal Corporation Act, 2003 reserving seats for BCC candidates in election up to a maximum extent of 27 per cent of the total seats.

In the mean time Hon'ble Supreme Court has directed the Learned Solicitor General of India to impress upon the concerned authorities to issue a communication to the respective State Election Commissions to strictly adhere to the enunciation of the Hon'ble Court, which is declaration of law, by three Judge Bench in Vikas Kishanrao Gawali case (Supra) to first comply with the triple test being a precondition before notifying reservation of seats for BCC in the local bodies under their jurisdiction.

In view of the above observations of the Hon'ble Apex Court, it was felt expedient to amend the provisions pertaining to reservation of seats and office of the Chairperson/Mayor in favour of BCC in the Odisha Municipal Act, 1950 and Odisha Municipal Corporation Act, 2003.

Therefore, it is considered expedient and accordingly proposed to amend suitably both Odisha Municipal Act, 1950 and the Odisha Municipal Corporation Act, 2003.

The Bill seeks to achieve the above objectives.

PRATAP JENA

Member-In-Charge

D. SATAPATHY

OSD-CUM-SECRETARY

Odisha Legislative Assembly